

City of Somerville
Licensing Commission

Regular Meeting by Remote Participation

DRAFT OF THE
Minutes of the Regular Meeting
Monday, July 19, 2021, 2021
Posted September 17, 2021, at 11:30am

The meeting was called to order at 6:04pm. Present were Commissioners, Lynch, Allen, and Lindgren, Capt. Dennis Sullivan of the Fire Dept., Sgt. Warren Chaille of the Police Dept., Charlotte Leis of Office of Strategic Command and Community Development, David Shapiro, Assistant, Secretary to the Commission Lori Batzek, City Clerk, John Long, Members of the City Staff, Applicants and members of the public. The meeting adjourned at 12:43am

A recording of this meeting is available online

Monday
July 19, 2021
6:00pm

Published on Thursday, July 15, 2021 at 5:00PM
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REVISED Published on Monday, July 19, 2021 at 9:20AM

Pursuant to Chapter 20 of the Acts of 2021, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/3557843022038201356>

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

1. Minutes of the Regular Licensing Commission Meeting from 5/17/21

The Commission postponed approval of these minutes in order to review them.

2. Minutes of the Regular Licensing Commission Meeting from 6/21/21

The Commission postponed approval of these minutes in order for them to be completed and sent to the commission for review.

**Continued from 3/15/21 Regular Licensing Commission Meeting,
4/26/21 Special Licensing Commission Meeting,
5/17/21 Licensing Commission Meeting and 6/21/21 Licensing Commission Meeting**

3. Status of Communication from Chairman Lynch dated 2/16/21, Urging the Commission to review its Rules and Regulations and prepare a timeline to produce any proposed amendments. This communication was placed on the February 22, 2021 Agenda. Commissioner Allen submitted revised rules and regulations to City Clerk, John Long for review on 5/14/21. John Long proposed changes to this draft on 6/14/21 & 6/15/21

The Commission deferred this item, in order to hold a special meeting on this matter.

Continued from 5/17/21 & 6/21/21 Licensing Commission Meetings

4. Commissioner Allen proposing the removal of Section 4.

The Commission deferred this item, in order to hold a special meeting on this matter.

Continued from 5/17/21 & 6/21/21 Licensing Commission Meetings

5. Commissioner Allen proposing language to update Section 1.12.b to explicitly not apply to breastfeeding.

The Commission deferred this item, in order to hold a special meeting on this matter.

6. Communication from the City Council for the adoption of Agenda Item 211953 Pertaining to Ordinance 12-14 to grant licensing authority to the Licensing Commission for restaurants' outdoor seating on the public way.

This communication has a subset, as the previous communication on Outdoor Seating did. The subsets will be included in the new policy and procedures.

The Commission made a note on this matter.

7. Email correspondence from Keltar Corp. d/b/a Sligo's Pub, 237A Elm St. - Kelly Melin requests discontinuance of Temporary Outdoor Patio License. Dated 6/13/21

The Commission made a note on this matter.

8. Letter sent to the Center for the Arts at the Armory, 191 Highland Ave. on July 12, 2021 from the Somerville Licensing Commission pertaining to a noise ordinance complaint

Stephanie Scherpf, Executive Director for The Arts at the Armory, appeared for this complaint. Sgt. Chaille was available on this matter. A letter was sent to the establishment at the request of the Chief of Police, Charles Femino. Sgt. Chaille discussed a report submitted by the Somerville Police Department. Chief Femino is recommending a return to pre covid, indoor seating. A discussion was held about the complaints received and the noise level on 2 different dates. Sgt. Chaille stated the house is very close to the establishment and virtually impossible not to have a noise issue. Ms. Scherpf submitted an answer to this letter with letters of support and decibel readings of events were enclosed. Ms. Scherpf also discussed why she felt this outdoor seating with entertainment is needed. She also feels they are being harassed and bullied by 2 neighbors. The hours of operation were discussed and Ms. Scherpf stated the events are done by 7:30pm and she is aware of the noise level ordinance in the city. The ordinance and decibel levels were also discussed. Temporary Outdoor seating, Outdoor Entertainment, and the orders issued by the governor, due to covid, were discussed. Chairman Lynch asked what is prohibiting the establishment from using the indoor space, now that the restrictions have been lifted. Ms. Scherpf stated some of the performers and audience members aren't comfortable indoors for covid reasons. There are also costs for using the indoor spaces. The Claycombs discussed their complaint and recording the decibel levels for some events. There was also a letter submitted by their tenants.

The Commission rescinded any Amplification of Outdoor Entertainment by Performers and also rescinded the Outdoor Entertainment by Devices. Non amplification of Outdoor Entertainment by Performers will be allowed. The Commission took a roll call vote, on both issues, of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

SPECIAL ALCOHOL LICENSES

Continued from 6/21/21 Licensing Commission Meeting

9. Somerville Police Department requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Trum Field/Franey Rd. Annual Collier Kickball Event to be held Outdoors at Trum Field/Franey Rd. on 9/25/21 from 10:00am – 5:00pm
(PEL21-000037)

Continued from 6/21/21

Jennifer Caranfa appeared for this application. Ms. Caranfa discussed the history of this license. Franey Road will be closed. No previous issues on this event. No alcohol will be allowed on the field. Wrist bands will be used. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

10. Brooklyn Boulders, 12A Tyler St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Somerslam to be held Indoors at 12A Tyler St. on August 28, 2021. Alcohol to be served from: 6:00pm – 9:00pm (PEL21-000048)

Foxman McCarthy Japes appeared for this application (not sure of the spelling of this individual's name). This is an annual event. Partnering with Aeronaut Brewing. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

11. Legoland Discovery Center Boston, 598 Assembly Row requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Adult Night Lego Land to be held Indoors at 598 Assembly Row on 8/11/21, 9/8/21, 10/13/21, 11/17/21 and 12/15/21 from: 7:00pm – 10:00pm (PEL21-000053)

Adrian Thompson appeared for this application. This is a regular event, almost monthly and they partner with local breweries. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

12. Warehouse XI, 11 Sanborn Ct. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Jazz Event to be held Indoors at 11 Sanborn Ct. on **Thursdays, 8/5/21, 8/12/21 and 8/19/21** from: **7:00am** – 9:30pm (PEL21-000054)

Kayla on behalf of Peggy Morrissey appeared for this application. Time should be 7pm. Tips Certified servers and wristbands will be used. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

13. Cambridge Hackspace, 18 Orchard St., Cambridge, MA requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Somerville FAB16 Festival to be held Outdoors in Private courtyard adjacent to 24-28 Dane St. (Greentown Labs) and the parking spaces immediately in front of the courtyard on August 14, 2021 from: 10:00am – 4:00pm (PEL21-000065)

Jonathan Biterman appeared for this application. The event is being hosted by several other local partners as well. Artists and Musicians will be involved in this event. Aeronaut will be one of the servers, and they are working with Somernova to determine

this, and who else might be serving. Mr. Biterman should coordinate with the secretary to confirm who will be serving. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

14. Alessandra Seiter, 13A Green St., Apt 2R, Somerville requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Birthday in Powderhouse Park to be held Outdoors in the Park on Saturday, September 18, 2021 from: 5:00pm – 9:00pm
(PEL21-000071)

Alessandra Seiter and Caleb Simone appeared for this application. They are librarians who want to have a birthday party in the park. Chairman Lynch asked City Clerk John Long if permission has been received for this event in a public park. Mr. Long stated, it had been signed off. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission conditionally approved this Special Alcohol License with the condition of confirmation from the Director of Parks Department that they understood alcohol will be served, and guidance on whether a perimeter will be required

Chairman Lynch moved that this application be given reconsideration. The Commission approved the Reconsideration of this application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission rescinded approval of this Special Alcohol License. An email was received by the Director of Parks and Recreation, stating it was not their intent that alcohol be served at a private event in a public park. The Commission Rescinded approval of the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The This Special Alcohol License was Not Approved

15. Somerville Museum, 1 Westwood Rd. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Somerville Museum Block Party to be held Indoors at the Somerville Museum on Saturday, September 18, 2021 with a Raindate of Sunday, 9/19/21 from: 3:00pm – 7:00pm
(PEL21-000074)

Alison Drasner appeared for this application. They will be blocking Westwood Rd. for this event. No alcohol will be allowed outdoors. Server will be Tips Certified. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

16. Somerville Museum, 1 Westwood Rd. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Reception for Penny Chronicles and the Stories They Tell to be held Indoors at the Somerville Museum on Thursday, September 9, 2021 from: 6:00pm – 8:00pm
(PEL21-000075)

Alison Drasner appeared for this application. This will be a small reception before the show. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

17. Dormition of the Virgin Mary, 29-31 Central St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for the 2021 Greek Food & Music Festival to be held Indoors and Outdoors on the Church Grounds in the Parking Lot and lower Hall on September 10th, 11th and 12th, 2021 from: 9/10/21 - 12:00pm – 11:00pm, 9/11/21 - 12:00pm - 11:00pm, 9/12/21 - 12:00pm – 9:00pm
(PEL21-000076)

Themis Caulfield appeared for this application. This is an annual event and is held on private property. They anticipate approximately 6000 attendee's during this 3 day event. Sgt. Chaille stated she should call Sgt. Whalen for a police detail. Beer, Wine & Margarita's will be served. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

18. Night Shift Brewing – Matt Eshelman, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Owl's Nest at Assembly Row by Night Shift Brewing to be held Outdoors at 325-375 Assembly Row from July 31, 2021 to August 29, 2021 from 11:00am – 10:00pm
(PEL21-000077)

Matt Eshelman appeared for this application. No issues have been reported to Matt Eschelman. Commissioner Allen asked for a clarification on the condition of Food Service with an Alcohol order on Special Alcohol Licenses. This requirement was carried over for the last Licensing Commission Meeting . Secretary Lori Batzek was having connection issues to the meeting and could not help on this matter. Mr. Eschelman stated Boston lifted the food requirement when the Covid restrictions were lifted in May or June. Commissioner Allen stated this occurred in June. Chairman Lynch stated the commission has lifted the Food service with alcohol service restriction for these licenses due to the lifting of Covid restrictions. Mr. Eshelman is also requesting an extension of the premises. Chairman Lynch stated this must be done through an amendment to his outdoor seating. The secretary Lori Batzek stated this applicant does not have Temporary Outdoor Seating and may be required to submit a

new floor plan. Chairman Lynch agreed with this statement. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

19. PKL Boston LLC d/b/a PKL Boston– Katie Coakley approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for PKL Boston to be held Outdoors at 325-375 Assembly Row from July 31, 2021 to August 29, 2021 from 8:00am – 11:00pm
(PEL21-000079)

Anni Lierhaus appeared for this application. This is the 3rd application submitted with no problems. Chairman Lynch stated the Food requirement has been lifted.

The Commission approved lifting the Food Requirement on Special Alcohol applications on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Special Alcohol License

TEMPORARY
ENTERTAINMENT BY DEVICES
OUTDOORS

20.

Entertainment by Devices - Outdoor Seating			LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
Temporary						
APPL. DATE						
7/8/2021	Regular Meeting - 7/19/21		ALM21-000065	Sweetgreen	345 Assembly Row	Entertainment by Devices for Outdoor Seating

Emma Arrouse appeared for this application. The sound system is hardwired and attached to the building. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Temporary Outdoor Entertainment by Devices License.

Existing License
Common Victualler License
Change of D/B/A

Continued from 6/21/21 Licensing Commission Meeting

21. Adhikari Inc. d/b/a Veggie Indian Palace, 233 Elm St. requesting a Change of D/B/A from Veggie Indian Palace to India Palace
(ALM21-000063)

Continued from 6/21/21

Lokesh Adikari appeared for this application. This is an existing business, currently serving vegetable dishes. Mr. Adikari would like to add some meat dishes to help increase business. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Change of D/B/A

NEW License
Common Victualler License

22. Ramper Inc. d/b/a Los Paisanos Restaurant, 62 Broadway requesting a Common Victualler License and Entertainment by Devices Indoors License
Nelson Ramos & Julio Perdomo - *New Owners,
Old Owner Chacon Restaurant Group – AL17-000277
(AL21-000026)

Nelson Ramos appeared for this application. Mr. Ramos is the new owner of the current establishment. There will be TV's only, no music.

The Commission approved this Common Victualler License and Indoor Entertainment by Devices License

23.

Existing All Forms Alcohol
Private License
Requesting
A Transfer of Stock

Continued from 6/21/21 Licensing Commission Meeting

Fraiman Enterprises Inc. d/b/a The Somerville Theater, 55 Davis Sq. requesting approval for Transfer of Stock from Melvin Fraiman (1250 shares – 100% Interest) to Richard B. Fraiman (1250 shares – 100% Interest)
(ALM20-000172)

*Alteration of Premises was approved under this amendment ALM20-000172 at the January 25, 2021 Licensing Commission Meeting. Change of Officers/Directors/LLC Managers was inadvertently not updated on Jan. Agenda and was approved at the February 22, 2021 Licensing Commission Meeting. A revised ABCC application was submitted on 5/13/21 to include Transfer of Stock on this application. ALM20-000172 was updated to include a Transfer of Stock, with a Change of Officers and an Alteration of Premises (*see above approvals).*

Provisionally approved, pending required AD in the newspaper for 7/19/21 Meeting

Transfer of Stock advertised on 7/7/21 for a Vote by the Licensing Commission for the July 2021 Licensing Commission meeting.

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Continued from 6/21/21

Attorney Annese, Attorney Vigorito and Mr. Fraiman appeared for this application. Attorney Annese discussed the transfer of stock from father to son. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The AD was placed in the newspaper per the requirement.

The Commission approved this Transfer of Stock

EXISTING LICENSE
PRIVATE ALL FORMS PACKAGE STORE LICENSE
CHANGE OF LOCATION

24. Woody's Inc. d/b/a Woody's Liquors, 523 Broadway requesting approval for a Change of Location for an All Forms Package Store License from 523 Broadway to 483 Broadway (AL21-000020)

John Wood appeared for this application. This establishment has been in business for almost 31 years. Mr. Wood is moving about a block away on the same side of the street. Mr. Wood owns the premises. He will be applying to both Somerville and Medford Planning Departments because the building is in both cities. No issues were reported by Sgt. Chaille. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Change of Location

25. Starl Liquors Inc. d/b/a Sav Mor Discount Liquors, 15r-17r McGrath Highway requesting approval for a Change of Location for an All Forms Package Store License from 15r-17r McGrath Highway to 325 Canal St., Unit 518 (AL21-000024)

Jonathan Plout, Marcy Costa, Michael Weiner, Attorney Steven Miller and Melin Panagopolous appeared for this application. The owners have operated in Somerville for 39 years. Attorney Miller discussed the Weiners' background and qualifications. No violations have been issued in the last 5 years. Sgt. Chaille confirmed this.

Tim Panagopolous, owner of Top Shelf at Assembly spoke in opposition, and sent a letter to the secretary. He stated there is litigation in Superior Court against Federal Realty Trust. He also stated this business will be next door to his business. Mr. Panagopolous asked that this be tabled until the issue is resolved. He further discussed the public need of this license and how it would impact his business. Mr. Panagopolous further requested that this establishment be barred from selling beer and wine, until this matter is resolved in Superior Court. Attorney Plout also stated he was opposed to this relocation, they would probably go out of business, and stated this is evidence of fraud, unfair business practices and negligent misrepresentations by the landlord. He requested a denial or stay of this license.

Chairman Lynch stated they do not get involved in private dealings between the landlord and their tenants. A further discussion was held on the public need of this relocation. Mr. Panagopolous stated he would like City Attorney David Shapiro to weigh in on this matter. Chairman Lynch stated there are no buffer zones in the city.

David Middleton, General Manager of Assembly Row spoke in support of this license and stated that Top Shelf does not have an exclusive at Assembly Row. He also stated the businesses are separated by a residential entrance and a residential garage, in a separate building on the same street.

Chairman Lynch stated we do not have a Hard Liquor License only. Mr. Panagopolous reiterated his request to continue this matter. Additional discussion was held on the public need of this license.

Commissioner Allen stated the commission's objectives do not include protection from competition. We do not acknowledge a buffer zone and that the commission does not determine how many licenses the Assembly Row Area needs.

Commission Lindgren states she agrees with Commissioner Allen, but that this is not a good situation from a marketing prospective.

Chairman Lynch asked if any outreach was done with tenants, not just property owners at Assembly Row. Attorney Miller stated Mr. Weiner reached out to the City Councilor.

Michael Weiner stated the notice was posted on the door of the premises and Top Shelf approached them the next day. Chairman Lynch stated we do not get involved in private court cases. He also stated there is a need for a full service package store at Assembly Row. No issues were addressed by Councilor Maclaughlan on this full alcohol package store. Chairman Lynch stated he was taking into account the letter submitted by Top Shelf in opposition, the testimony by Top Shelf's attorney and David Middleton of Federal Realty, he made a motion to approve this license. The Commission approved the application on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Commission approved this Change of Location

26.

Existing All Forms Alcohol

City Held License

Requesting

A Change of D/B/A, a Change of Outdoor Seating from Private Outdoor Patio to Temporary Outdoor Public Parklet, an Increase in Indoor Seating from 102 to 350

And an Alteration of Premises

And, also a Change in Hours

Continued from 6/21/21 Licensing Commission Meeting

Premier Restaurant Group d/b/a Da Vittorio, 519 Broadway requesting a Change in D/B/A from Da Vittorio to Premiere on Broadway, a Change in Private Outdoor Patio Seating (10 seats) to Temporary Outdoor Parklet Seating (90 seats) and a Change in Indoor Seating from 102 to 350 Seats (Previously approved for 150 indoor occupancy, will be applying for an increase to 450 occupancy).
(ALM21-000061)

A new floor plan was submitted for 355 Indoor Seats and 90 Outdoor Seats on 7/15/21 – Total Indoor Seats 355. The 100 seats of “Banquet Seating” will be removable for a dance floor for 200 people.

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Continued from 6/21/21 – due to AD being required for the Alteration of Premises

Deborah Zammuto appeared for this application. Ms. Zammuto stated there is also a change in hours for Food and Alcohol Service, from: Sun-Fri: 3pm-11pm & Sat: 3pm-1am

*To: Food Service: Mon-Wed: 3pm-11pm, Thu-Sat: 8am-1am & Sun 8am-11pm and
Alcohol Service: Mon-Wed: 3pm-11pm, Thu-Sat: 8am-1am & Sun: 8am-11pm*

Ms. Zammuto stated they were adding roughly 5000 sq. ft., including a stage and movable tables to allow for dancing when live bands are playing. A discussion followed on this alteration. The secretary stated signatures were still required for the Outdoor Seating, and on the Original Approved License, the Final Health Review and the ISD building 304 Inspection is still required. Ms. Zammuto stated she would have 355 seats with 450 occupancy. Brian Postlewaite, Director of Engineering, spoke on the Outdoor Seating portion of this application. He stated they do not currently have sufficient documentation for the Engineering Dept. to approve the outdoor seating on a public way. The Zammuto's asked to table the Outdoor Seating at this time. Lena Flannery spoke on the Outdoor Seating and stated she was opposed to this number. She also had an issue with the sign on the side Jennifer Dorsen spoke in opposition to this application. She stated this is shockingly enormous and expressed concern for parking and traffic conditions. Debbie Canoa spoke in opposition to this application. She stated she also felt this is shockingly enormous and has issues with a nightclub in the neighborhood with children and the traffic and parking issues. Mr. Zammuto responded that the sign on the side of the building is not a gun or rifle, but is of a famous Freddie Mercury picture with a microphone and a quote. He also stated they are working with an architect and are cutting back the outdoor seating by about half and will be submitted to engineering. He addressed the parking issue by stating a lot of people use Uber, they have a parking lot in back, there is parking across the street and a lot down the street they can use. He also stated this is not a nightclub, it is an upscale restaurant with a music lounge. He further discussed the operation of this business.

The secretary stated the change in hours was submitted on a Boston Licensing Board application (a Request for Changes to License/Corporation), and did not appear on the agenda.

Ms. Zammuto asked if the originally approved license could be issued without these alterations, the secretary stated this could not be issued without all city department signatures 1st we are still awaiting the ISD 304 Inspection, ISD building and the Final Health Department signoffs. When this is completed, the original license with the original seating, hours of operation and d/b/a can then be issued as approved by the ABCC.

The Temporary Parklet Outdoor Seating and Private Patio Outdoor Seating were tabled at this time, and the Commission did not approve the Temporary Outdoor Seating for 10 Seats on a Private Patio and 90 seats on the public street for a Parklet. The Commission removed both the Temporary Parklet Outdoor Seating and the Private Patio Outdoor Seating from this application, on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

The Hours of Operation were changed:

from: Food and Alcohol Service: Sun-Fri: 3pm-11pm & Sat: 3pm-1am

To: Food and Alcohol Service: Mon-Wed: 3pm-11pm, Thu-Sat: 10am-1am & Sun: 10am-11pm

The Alteration of Premise was changed:

From 102 Indoor Seats to 355 Indoor seats with 100 “banquet” removal seats for a dance floor for 200 people.

The Commission approved the application for a Change of Hours and Alteration of Premises (see the above changes) on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

NOTE: Original Application states Hours of Operation for Food & Alcohol Service were Mon-Wed: 3pm-11pm, Thurs-Sat: 8am-1am, Sun: 10am-11pm

NEW 7 Day Wine & Malt License
Enhancement Area
Common Victualler, Entertainment by Devices Indoors
and Sunday Hours Licenses

27. Vinal General LLC d/b/a Vinal General Store, 220 Somerville Ave. requesting approval of an Enhancement Area 7 Day Wine and Malt Alcohol License, a Common Victualler License, an Entertainment by Devices License and a Sunday Hours License

Hours of Operation:

To Serve Food: Mon-Fri, 11am-8pm, Sat-Sun, 8am-8pm

To Serve Alcohol: Mon-Fri, 11am-8pm, Sat, 8am-8pm & Sun, 10am-8pm

(AL21-000022)

Sarah Murphy appeared for this application. Ms. Murphy owns Vinal Bakery and would like to open a 2nd business with Beer and Wine service. She stated TIPS training will be employed. Would like to be open early for Bakery service. Commissioner Lindgren questioned the hours. The secretary stated the rules and regulations for the Licensing Commission state Wine & Malt Licenses Hours of Operation are 11am-11pm.

The Hours of Operation were amended as follows:

To Serve Food: Mon-Fri, 11am-8pm, Sat-Sun, 8am-8pm

To Serve Alcohol: Mon-Fri, 11am-8pm, Sat, 11am-8pm & Sun, 11am-8pm

The Commission approved the application, Wine & Malt, Enhancement Area, Common Victualler, Entertainment by Devices Indoors and Sunday Hours License, with an amendment to the Hours of Operation, (see the above changes) on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

28.

MARIJUANA RETAILER LICENSES
New Marijuana Retailer License

Continued from 6/21/21 Licensing Commission Meeting

Advesa MA, Inc., 690-692 Broadway requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: Mon. – Sun. 10AM - 10PM
(ME21-000003)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Continued from 6/21/21

Attorney Walter Sullivan, the Advesa Team, Tom Miscelli, Owner of the property, Dennis Greenwood, Architect, and Ian McKinnon, Traffic Consultant appeared for this application. Attorney Sullivan made a correction to the Hours of Operation appearing on this application from 10am-10pm, amending them to: 10am-9pm, due to the Licensing Commission Retail Marijuana rules of operation. Jessica Pelletier and Shanel Lindsay spoke for this application and the changes made since the last commission appearance. Ms. Pelletier stated with the Covid restrictions lifted, they have interacted face to face with the businesses in Ball Sq. and surrounding residents. Open Houses were conducted at 694 Broadway on July 8th, July 10th and July 17th. Leaflet drops will be made beyond the streets previously done for additional meetings to address any concerns. 279 individuals have attended the community meetings. 219 people signed a letter of support, of which 106 are from the Boston area. Ms. Pelletier discussed Advesa meeting all the requirements to obtain a license. Shanel Lindsay discussed the CCC regulations and how they would meet those requirements. Public transportation was also discussed. This commission discussed the changes made by this business from the last meeting and what changes were made for the MAC to recommend this license. Charlotte Leis, of Planning and Zoning discussed the memo submitted to the Licensing Commission pertaining to the outlining process of the MAC. Ms. Leis also discussed both of Advesa's application submissions for Round 1 and Round 2, what the differences were, and why there was a delay between the 2 rounds. Commissioner Allen requested clarification of the MAC scores. Chairman Lynch stated the composition of the MAC is not within the purview of the Licensing Commission. Commissioner Lindgren stated most of the comments received were not in support of the applicant, and most stated a lack of community engagement. Further discussion ensued about how community engagement has expanded, the choice of the location of the business, how the storefront will be using local artists and zoning of Retail Marijuana Establishments. Ms. Pelletier stated employees will not be using the parking spaces, they will incentivize them to use public transportation and blue bikes, she also stated there will be 10 parking spaces for customers. Chairman Lynch stated this application was approved through the MAC, and was then sent to the Licensing Commission for consideration. There was no behind the scenes maneuvering between any entities in the city. The MAC is a completely separate entity. He also explained the process of the application process and what happens after the application is heard by the commission. Chairman Lynch stated if anyone would like a copy of the report sent to the Licensing Commission or the report from the Mayor's Office regarding some of the recommendations, to request this through the City Clerk's Office. The site is in compliance with zoning, it is a matter of opinion that the site is too big. Legally the commission cannot determine how close each establishment is, as the City Council did not adopt buffer zones. A traffic study is requirement before appearing before planning and is not in the purview of the commission. Chairman Lynch requested confirmation that there will be

no armed guards, and this was confirmed by Attorney Sullivan. He stated the Brown School is beyond the buffer zone requirement under City and State Legislation. Ownership is attested on the application, if found in violation, this would trigger a CCC review and the license can be revoked. Chairman Lynch has questions about the Customer Pledge, off-site parking, an agreement with the owner of the Medford building, on street parking directly in front of the business with a bus stop and fire hydrant. He stated the floor plan submitted to the MAC and the Licensing Commission are different is needs clarification. Zoning is not determined by the Licensing Commission but by the City Council who created this zoning. This is not the largest retail establishment in Ball Sq. The green line will change this area substantially. 348 comments were received. Ms. Pelletier stated the petition, signed by the businesses and residents in the neighborhood were obtained from the 3 open houses, the employee that did the flyer drop, people walking by the establishment and an online petition. Ms. Pelletier stated 3 businesses do not support this business. Chairman Lynch stated he had a list of 16 businesses that support this business. Ms. Pelletier clarified the ownership and stated there are 4 different separate economic empowerment designations and applied on the 68% EEA ownership, however 100% ownership is EE applicants with their own designation. A discussion was held on sustainable practices. Chairman Lynch stated this will take 2 storefronts, not 3. He also stated Delivery options have not made to allow a delivery system in the City of Somerville. A further discussion was held on violations of the pledge, how these will be tracked, reported and the consequences of the violations.

The commission heard public comment on this application.

In support – 13

In opposition – 15

Would support with conditions – 3

Attorney Sullivan requested the commission close comments on this matter. Chairman Lynch stated community engagement needs to be beefed up and suggested another community meeting. Attorney Sullivan stated they have more than met the requirements and beyond, but if this is what the commission wants, they would do it. Ms. Pelletier indicated she would work with the commission for another community meeting, but in the future, does not wish to hear the same feedback. She also asked for advice from the commission to have a productive meeting.

The Commission voted to continue this application to a Special Meeting in order to receive additional information on community engagement. Commissioner Allen recommended the commission provide guidance for additional community feedback. The commission concurred.

Hours of Operation changing from 10am-10pm, amending them to: 10am-9pm, due to the Licensing Commission Retail Marijuana rules of operation.

The Commission voted to continue this application for a Special Meeting to be held on August 2, 2021 at 6pm on a roll call vote of 3 in favor (Lindgren, Allen, Lynch), and 0 opposed.

